

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------|---|----------------------|
| STACEY MIZE, |) | |
| |) | |
| Plaintiff, |) | 8:05cv304 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| VERIZON WIRELESS, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court pursuant to Fed. R. Civ. P. 4(m) which establishes a time limit for service of process on a defendant in a civil case. On November 15, 2005 (filing no. 6), the court ordered the plaintiff to notify the court in writing of her current telephone number and to show cause in writing why this case should not be dismissed for failure to effect service of process on the defendant within the deadline established by Rule 4(m). The court gave the plaintiff a deadline of December 9, 2005, to show cause and to provide her telephone number to the court, and the court warned the plaintiff in filing no. 6 that failure to respond could result in dismissal of this case for failure to prosecute. The plaintiff has not responded, and the deadline has now expired.

Therefore, pursuant to Fed. R. Civ. P. 4(m) (dismissal for failure to serve a defendant) and NECivR 41.1 (dismissal for failure to prosecute with diligence), the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 19th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge